

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 19-21 are pending in the application, with claims 19 and 20 being the independent claims. Claim 20 is sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 101

Claim 20 was rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Applicants have amended the claim as suggested by the Examiner. Amended claim 20 recites “A transceiver that transmits a wireless link signal having a format ...” A transceiver is in one of the four categories of invention enumerated in § 101 (“Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.”) Accordingly, claim 20 is directed to statutory subject matter.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 19 and 20 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Tiedemann, Jr., *et al*, U.S. Patent No. 6,535,563 (“Tiedemann”).

Applicants respectfully traverse this rejection.

Tiedemann does not teach or suggest each and every feature of independent claims 19 and 20. Tiedemann describes that the base station sends to the mobile station a command to change from the normal transmission mode to ‘boost mode.’ Tiedemann does not describe the determination of an allocation scheme (of a TDMA channel). As discussed in Tiedemann, “[b]oost mode is a means and method by which the data rate of a system may be temporarily increased.” (Tiedemann, 9:44-47.) The increase in data rate occurs “immediately before and immediately after tuning the mobile station receiver to an alternate frequency.” (Tiedemann, 9:5-7.)

In Tiedemann, “[w]hen the base station determines a need for boost mode, the base station sends a boost mode command during the frame 240.” (Tiedemann, 9:44-46.) In the passage cited by the Examiner, the boost command specifies that the mobile station performs an acquisition fragment. The boost command in this passage includes a frequency designation that “designates the frequency band or channel at which the mobile station should perform the acquisition fragment.” (Tiedemann, 10:15-22.) Tiedemann therefore does not teach or suggest at least the feature of “determining an allocation scheme of said channel to each of a plurality of transceivers, and transmitting said allocation scheme to said transceivers” as recited in independent claim 19.

FIG. 4 of Tiedemann depicts exemplary operation of boost mode. As depicted in the five frames of FIG. 4, the base station sends a boost mode command during the first frame, frame 240. (Tiedemann, 9:48-52.) During the next frame, frame 242, data is transferred in the standard manner. (Tiedemann, 9:55-56.) During frames 244 and 246, the boost mode command is executed such that during the first half of frame 244, the base station transfers data to the mobile station in boost mode. (Tiedemann, 9:57-60.) During the second half of frame 244 and the first half of frame 246, the mobile station is freed to perform “off-frequency” functions. (Tiedemann, 9:61-66). During the second half of frame 246, the base station transfers data to the mobile station in boost mode and during frame 248, standard data transfer may be resumed. (Tiedemann, 9:66-10:2.) Each frame in FIG. 4 has the same duration, 20 milliseconds. (Tiedemann, 10:3-4.)

As described in Tiedemann, frames 244 and 246 do not contain one long burst but instead include a time interval for transmission of data in boost mode which is half of the length of the frame. The second half of both frames 244 and 246 is used for “off-frequency” functions such as acquisition rather than data transmission. Thus, Tiedemann does not teach or suggest at least the feature of “data ... with a format including periodic blocks of constant length each occupied by either one long burst or a plurality of short bursts of equal length and wherein a length for each long burst occupying a block is constant,” as recited in independent claim 19 or “wireless link signal having a format including periodic blocks of constant length each occupied by either one long burst or a plurality of short bursts of equal length and wherein a length for each long burst occupying a block is constant,” as recited in independent claim 20.

In support of the rejection with regard to this element, the Office Action cites to a passage in Tiedemann describing that “a conventional 20 ms frame is divided into four 5 ms frames for transmission on a dedicated control channel. Those 5 ms frames may then be grouped into a 20 ms frame.” (Tiedemann, 16:1-5.) This passage describes the division of a conventional 20 ms frame into four 5 ms subframes for the transmission on a dedicated control channel. However, this passage does not describe that “each block is occupied by either one long burst or a plurality of short bursts of equal length,” as recited in independent claims 19 and 20.

Tiedemann further does not teach “wherein said transceivers transmit data in said channel with a format including periodic blocks of constant length each occupied by either one long burst or a plurality of short bursts of equal length and wherein a length of each long burst occupying a block is constant.” In the passage cited in the Office Action, “a conventional 20ms frame is divided into four 5ms frames for transmission [by the base station] on a dedicated control channel.” (Tiedemann, 15:52 - 16:5.) Thus, Tiedemann describes that the base station transmits to the mobile station in a dedicated control channel rather than the transceivers transmitting data in the TDMA channel, as recited in independent claim 19.

Tiedemann describes that the mobile station itself may determine the time at which a boost mode frame should be executed. (Tiedemann, 14:63-64.) Tiedemann thus describes a flexible determination of whether data are transmitted in boost mode but does not describe a flexible determination of the division in either one long burst or a plurality of short bursts. Thus, Tiedemann also does not teach or suggest

“whereby the division of each block into either one long burst or a plurality of short bursts is determined flexibly,” as recited in independent claims 19 and 20.

For at least the above reasons, independent claims 19 and 20 are patentable over Tiedemann. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Rejections under 35 U.S.C. § 103

Claim 21 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Tiedemann in view of Yun, *et al.*, U.S. Patent No. 6,047,189 (“Yun”). Applicants respectfully traverse this rejection.

Claim 21 depends from claim 19. Yun does not overcome the deficiencies of Tiedemann as described above for independent claim 19. For at least these reasons, and further in view of its own features, claim 21 is patentable over Tiedemann and Yun. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason,

that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Lori A. Gordon". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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